

In re Application of: Zeev GLOZMAN et al  
Serial No.: 10/647,796  
Filed: August 26, 2003  
Office Action Mailing Date: November 24, 2008

Examiner: Herng Der DAY  
Group Art Unit: 2128  
Attorney Docket: 32965

### **REMARKS**

The application now comprises claims 1-16, 18-39, and 41-49, of which claims 1 and 23 are in independent form.

All claims were rejected under 35 USC 103. Claims 1, 14 and 23 are currently amended.

#### **Claim Rejections – 35 U.S.C. §101**

The Examiner rejects the method claims for not being tied to any other statutory class. Claim 1 has therefore been amended to tie it to an imaging apparatus. It is believed that the rejection is thereby overcome.

#### **Claim Rejections – 35 U.S.C. §112**

Claim 14 has been amended to make the terminology consistent with claim 1.

#### **Claim Rejections – 35 U.S.C. 103**

Examiner Herng Der Day rejected claims 1-16, 18-39, and 41-49 under 35 U.S.C. §103(a), as being rendered obvious by Krause et al. (US Patent No. 6,711,432), in view of Kenet et al. (US Patent No. 5,016,173).

Amendments to claims 1 and 23 have been entered to overcome the Examiner rejections.

Examiner is thanked for his highly pertinent comments in his response to arguments, which have helped to clarify the issues.

Applicant argued in the previous response that the combination of a fixed dimension unit and a fracture so that the fixed dimension unit can allow an estimation of the severity of the fracture is not taught by the combination of Krause and Kenet. This is because only Kenet teaches a fixed dimension unit and neither Kenet nor Krause actually image fractures. All Kenet teaches is using a fixed dimension unit to give a scale to a visually accessible surface. But fractures are not visually accessible, and are not even imaged by Krause to make them artificially visually accessible. It

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therefore makes no sense to photograph a visual fixed dimension unit to give a scale to a fracture that cannot be seen.

Examiner responded by stating that the feature of estimating the severity of the fracture was not present in the claim.

Applicant responds by amending the claim to include the feature of:

"using said real dimension unit calibration determining an extent of trauma present in said bones;"

Support for this amendment is generally available in the discussion of Fig. 9 which talks of a generic mechanism for measurement of deformity parameters. Paragraph 61 explains how the medical professional is allowed to apply manual measurement tools...to determine the nature of the pathology, it being implicit that his ability to do so rests on the image having been scaled – otherwise of course his manual measurement tools would tell him nothing.

The same amendment referred to above in respect of claim 1 have been made to claim 23, which is now believed to be allowable for the same reason.

For all of the above reasons it is thus respectfully submitted that amended claims 1 and 23 are clearly novel and inventive and thus allowable over the prior art cited. The remaining claims are believed to be allowable as being dependent on either one of claims 1 and 23.

All of the matters raised by the Examiner have been overcome.

An early Notice of Allowance is respectfully requested.

Respectfully submitted,



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Date: May 26, 2009

**Enclosures:**

- Petition for Extension (Three Months)